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| 10/733,625 | 12/11/2003 | Valerie M. Bennett | RSW920030295US1 | 2663 |
| 43168 7590 07/14/2008 MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742 | | | | |
| EXAMINER | | | | |
| ENGLAND, DAVID E | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2143 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

Office Action Summary

Application No.

10/733,625

Applicant(s)

BENNETT ET AL.

Examiner

DAVID E. ENGLAND

Art Unit

2143

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 4, 6 and 13 - 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 6 and 13 - 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 02/29/2008, 04/01/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 4, 6 and 13 – 19 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 4, 13 and 15 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Linker et al. (7113921), hereinafter Linker.

4. Referencing claim 1, as closely interpreted by the Examiner, Linker teaches computer-implemented method of enabling users to subscribe to content in a computing environment, comprising:

5. identifying a content access behavior pattern of a user, (e.g., col. 12, lines 31 – 53, *"The engine 402 interfaces with a user object 408 that can provide access to user metadata including user rights, behavior (historical), preferences and subscription status."*);

6. responsive to the identifying, consulting a mapping to determine a candidate content subscription to be offered to users exhibiting the identified behavior pattern, the candidate content

subscription indicating at least one portion of content generated by a content source, (e.g., col. 12, lines 31 – 53, The metadata in the user object.;

7. generating a markup language document representing the determined candidate content subscription, (e.g., col. 12, line 54 – col. 13, line 30, Preparing a web page with images of products that might be of interest to the user.);

8. offering, to the user, a subscription to the candidate content subscription using a graphical user interface constructed using the first markup language document, (e.g., col. 12, line 54 – col. 13, line 30, Preparing a web page with images of products that might be of interest to the user.);

9. responsive to acceptance of the offered subscription by the user, storing the markup language document as a trigger associated with the user and the content, (e.g., col. 5, lines 20 – 31, Storing behavior and preferences from each session that can be used to customize a GUI such as a point of entry page with particular options and products that are related to the client's behavior.); and

10. subsequently evaluating the content generated by the content source using the trigger, to determine whether any of the at least one portion of the content is considered a match to the trigger and if so, automatically sending each matching portion of the content to the user as the subscription, (e.g., col. 8, lines 35 – 55, Along with the other cited section of Linker, it is clear that every time a user starts a new session, the user's behavior data is used to generate a point of entry page with other product that are similar to the one view or selected in the last session.).

11. Referencing claim 3, as closely interpreted by the Examiner, Linker teaches enabling the user to customize the offered subscription from the graphical user interface prior to acceptance of

the offered subscription, such that at least one condition is placed on at least one of the at least one portion of the content, (e.g., col. 7, line 45 – col. 8, line 5, “customizing an action for the selected product”); and

12. revising the markup language document to include each of the at least one condition prior to the storing, (e.g., col. 7, line 60 – col. 8, line 34, It is known that once the product or object is changed and the “purchase” occurs, the end result is stored and used as behavior/ history data for the next session.).

13. Referencing claim 4, as closely interpreted by the Examiner, Linker teaches wherein the subsequently evaluated further comprises determining whether each of the at least one condition is considered a match to the trigger and only sending the matching portion of the content if so, (e.g., col. 8, lines 35 – 55, pushing to the subscriber could be considered to read on the claims).

14. As per claim 13, as closely interpreted by the Examiner, Linker teaches the subsequently evaluated content comprises a then-current version of the content generated by the content source, (e.g., col. 8, lines 35 – 55, Renewing of subscription can be interpreted a having a current version of the subscription.).

15. As per claim 15, as closely interpreted by the Examiner, Linker teaches the subsequently evaluating is invoked responsive to occurrence of an event, (e.g., col. 7, line 45 – col. 8, line 5, As is known, an event could be the search for a product or a selection/ modification of a product.).

16. As per claim 16, as closely interpreted by the Examiner, Linker teaches the identifying is performed by an inference engine, (e.g., col. 12, lines 54 – 60 et seq., “artificial intelligence analysis”).

17. As per claim 17, as closely interpreted by the Examiner, Linker teaches identifying comprises determining whether the user exhibits any of the plurality of predetermined content access behavior patterns, (e.g., col. 8, lines 35 – 55 & col. 12, line 32 – col. 13, line 30).

18. As per claim 18, as closely interpreted by the Examiner, Linker teaches the content is rendered on a web page and the identifying comprises identifying how the user interacts with the Web page, (e.g., Figures 6 – 13 and supporting specification areas).

19. As per claim 19, as closely interpreted by the Examiner, Linker teaches the Web page lacks a subscription interface for enabling the user to subscribe to the rendered content, (e.g., Figures 6 – 13 and supporting specification areas).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linker in view of Currans et al. (6731393), hereinafter Currans.

22. Referencing claim 6, as closely interpreted by the Examiner, Linker does not specifically teach the subsequently evaluating further comprises scheduling time on an electronic calendar of the user when any of the at least one portion of the content is considered a match to the trigger. Currans teaches the subsequently evaluating further comprises scheduling time on an electronic calendar of the user when any of the at least one portion of the content is considered a match to the trigger, (e.g., col. 12, line 57 – col. 13, line 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Currans with Linker because utilizing a user calendar to have information sent to the user enables the user to dictate when they would receive information and not have information sent every time a match is made from the trigger. This would also lessen the amount of network traffic in the system.

23. As closely interpreted by the Examiner, claim 14 is rejected for similar reasons as claim 6 since it can be interpreted that the calendar could be considered a timer of sorts and therefore the motivation also applies.

Response to Arguments

24. Applicant's arguments filed 03/29/2008 have been fully considered but they are not persuasive.

25. In the Remarks, Applicant argues in substance that Linker does not teach or suggest "that a candidate content subscription is obtained by consulting a mapping".

26. As to the remarks, Applicant's specification states that the "mapping" is nothing more than rules or items that a user is interested from what the user has previously decided they liked. It is clear that Linker teaches the use of a relational database and behavior data to determine what information to send the user. Applicant is advised to carefully view the newly rejected claims and cited areas of the prior art. Furthermore, the language of "subscription" is also used in Linker as further stated in the cited areas above.

27. In the Remarks, Applicant argues in substance that they can not find a trigger in the reference of Linker.

28. As to the remark, Applicant is reminded that in their specification, they define a trigger as a type of rule or what the user likes and if the content matches that trigger, the content is sent to the user. This is the same process that is used in Linker as stated in column 8 and 12. Once the user searches for something the system uses the history of that user and their search to find information that would render images of products the user could be interested in. Sending such information could not be done unless there was a trigger or rule used to alert the system to send the product information to the user if there is a match.

29. Applicant's other arguments with respect to claims 3, 4, 6 and 13 – 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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